

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SeTara Tyson,

Plaintiff,

Case No. 13-cv-13490

v.

Judith E. Levy

United States District Judge

Sterling Rental, Inc., *et al.*,

Mag. Judge Mona K. Majzoub

Defendant.

_____/

**ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTIONS IN LIMINE [113, 114, 115]**

On August 7, 2017, plaintiff Setara Tyson filed three motions *in limine* in relation to the upcoming jury trial in this matter. The motions ask for three categories of evidence to be excluded: evidence of attorney fees to be awarded (Dkt. 113), evidence, argument, or opinion regarding alleged fraud by plaintiff in the underlying transaction at issue in this case (Dkt. 114), and evidence, argument, or opinion regarding offers by the defendant to return the vehicle at issue in this case to plaintiff. (Dkt. 115.) Defendants have not responded to or

indicated any opposition to the motions *in limine*. Their responses were due on or before August 21, 2017. E.D. Mich. Local R. 7.1(e)(2)(B).

The motion *in limine* to exclude evidence of attorney fees to be awarded must be granted, because “it is clear error to instruct a jury as to the potential for attorneys’ fees.” *Fisher v. City of Memphis*, 234 F.3d 312, 319 (6th Cir. 2000) (citing *Brooks v. Cook*, 938 F.2d 1048, 1051-52 (9th Cir. 1991)). The motions *in limine* to exclude evidence, argument, or opinion regarding alleged fraud and offers by the defendants to return the vehicle at issue in this case to plaintiff are granted for the reasons set forth in plaintiff’s unopposed briefs.

The Court additionally notes that defendants’ assertion that plaintiff committed fraud in her application has, to this point, been unsupported by any evidence in the record. And as set forth previously in the Court’s order denying plaintiff’s motion for partial summary judgment on her statutory conversion claims, plaintiff was not required to either demand or accept return of the car to sustain her conversion claims. Accordingly, any offer to return her car would not be relevant or a defense to those claims under Michigan law. (Dkt. 112 at 8-9.)

Plaintiff's unopposed motions *in limine* (Dkts. 113, 114, 115) are GRANTED.

IT IS SO ORDERED.

Dated: August 24, 2017
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 24, 2017.

s/Shawna Burns
SHAWNA BURNS
Case Manager